DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding Claims 10-15:

Claim 10 is directed to a "system for matching a borrower to a loan provider offering a student loan consolidation program". Although Claim 10 states a system in the preamble of the claim, it does not contain any system elements and can be interpreted as software. Software is considered to be an abstract idea and therefore does not fall within one of the statutory classes of invention set forth in 35 U.S.C. 101. In order to be accepted as statutory subject matter, a system must be tangibly embodied in system elements which when executed appropriately provides functionality. See MPEP 2106.01(I).

Claims 11-15 are dependent on Claim 10 and therefore are rejected in a like manner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 2, and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lazerson (Publication No.: US 2003/0036995) and Ireland et al. (Patent No.: US 7,062,462).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

As to Claim 1, *Lazerson* discloses a method for matching a borrower to a loan provider

offering a student loan consolidation program (see at least Abstract, Figure 1, ¶[0006], ¶[0007],

¶[0013],¶[0014], ¶[0015], ¶[0020], and ¶[0048]) comprising:

receiving student loans' data from a borrower at a website (see at least Abstract, ¶[0006],

¶[0007], ¶[0013], ¶[0016], ¶[0019], ¶[0023], ¶[0045], and ¶[0047]);

receiving loan programs' criteria established for a borrower to qualify for a student loan consolidation loan from each of a plurality of loan providers at the website (see at least Abstract, Figure 1, ¶[0006], ¶[0007], ¶[0014], ¶[0024], ¶[0036], ¶[0038] through ¶[0042], and ¶[0049]);

comparing the student loans' data from the borrower to the loan programs' criteria of two or more of the plurality of loan providers in an electronic database (see at least Abstract, Figure 1, ¶[0006], ¶[0007], ¶[0014], ¶[0024], ¶[0029], ¶[0036], ¶[0038] through ¶[0042], and ¶[0049]); and

electronically providing a list of one or more matching loan providers that offer a student loan consolidation loan for whom the borrower qualifies to the borrower (see at least Abstract, Figure 1, ¶[0006], ¶[0007], ¶[0014], ¶[0024], ¶[0029], ¶[0036], ¶[0038] through ¶[0042], ¶[0044], and ¶[0045]).

While *Lazerson* does not specifically disclose that the student loan is a Federal Family Education Loan, *Ireland* does teach that the student loan includes the Federal Family Education Loan Program, or FFELP (see at least Col. 13, lines 29-37). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the Federal Family Education Loan among other student loan programs since it makes the invention more convenient to a wider market of users.

As to Claim 2, *Lazerson* discloses receiving a commission from a loan provider originating a consolidation loan to the borrower (see at least Figure 2, ¶[0020], ¶[0021], ¶[0035], ¶[0049], and ¶[0050]).

As to Claim 9, *Lazerson* further discloses that determining whether a single loan provider is the only possible match to the borrower because all of the borrower's loans to be consolidated are with one loan holder.

As to Claim 10, *Lazerson* discloses a system for matching a borrower to a loan provider offering a student loan consolidation program (see at least Abstract, Figure 1, ¶[0006], ¶[0007], ¶[0013],¶[0014], ¶[0015], ¶[0016], ¶[0020], ¶[0045], and ¶[0048]) comprising:

an online prospective borrower interface to receive prospective borrower student loans' data over a wide area network (see at least Abstract, Figure 1, ¶[0006], ¶[0007], ¶[0013],¶[0014], ¶[0015], ¶[0016], ¶[0020], ¶[0045], and ¶[0048]);

a qualification engine connected to the wide area network for receiving the student loans' data, wherein based on the student loans' data the engine analyzes predetermined criteria of a plurality of loan providers offering a student loan consolidation loan to determine whether the borrower qualifies for one or more providers' loans (see at least ¶[0006], ¶[0007], ¶[0013],¶[0014], ¶[0015], ¶[0016], ¶[0019], ¶[0020], ¶[0028], ¶[0043], ¶[0045], and ¶[0047]); and

an online reporting interface to provide the borrower a list of one or more matching loan providers with a loan program for which the borrower qualifies (see at least Abstract, Figure 1, ¶[0006], ¶[0007], ¶[0014], ¶[0024], ¶[0029], ¶[0036], ¶[0038] through ¶[0042], ¶[0044], and ¶[0045]).

While *Lazerson* does not specifically disclose that the student loan is a Federal Family Education Loan, *Ireland* does teach that the student loan includes the Federal Family Education Loan Program, or FFELP (see at least Col. 13, lines 29-37). It would have been obvious to one of

ordinary skill in the art at the time of the invention to include the Federal Family Education Loan among other student loan programs since it makes the invention more convenient to a wider market of users.

As to Claim 11, *Ireland* discloses a tracker for monitoring the number of loan provider matches for a pre-selected time period (see at least Col. 11, lines 36-49; and Col. 21, line 1 through Col. 22, line 43).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include a tracker for monitoring the number of loan provider matches for a pre-selected time period since it makes the invention more convenient to a wider market of users.

As to Claim 12, *Ireland* discloses a tracker for monitoring loans originated by a matching loan provider (see at least Col. 11, lines 36-49; Col. 12, line 63 through Col. 14, line 50; and Col. 21, line 1 through Col. 22, line 43).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include a tracker for monitoring loans originated by a matching loan provider since it makes the invention more convenient to a wider market of users.

Claims 3-8, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazerson (Publication No.: US 2003/0036995) and Ireland et al. (Patent No.: US 7,062,462) in further view of Salter (Publication No.: US 2004/0044616).

As to Claim 3, *Salter* discloses that the list of one or more matching loan providers is determined by whether the borrower has any loans in default (see at least ¶[0049], ¶[0050], and ¶[0066]).

While *Lazerson* does not specifically disclose that the list of one or more matching loan providers is determined by whether the borrower has any loans in default, *Salter* does teach that such criteria would include whether the borrower has any loans in default. It would have been obvious to one of ordinary skill in the art at the time of the invention to include whether the borrower has any loans in default among other such criteria since it is an essential indicator of a borrower as a loan risk, which makes it more convenient to lenders.

As to Claim 4, *Salter* discloses that the list of one or more matching loan providers is determined by whether the borrower is consolidating spousal loans (see at least ¶[0046], ¶[0051], and ¶[0056]).

While *Lazerson* does not specifically disclose that the list of one or more matching loan providers is determined by whether the borrower is consolidating spousal loans, *Salter* does teach that such criteria would include whether the borrower is consolidating spousal loans. It would have been obvious to one of ordinary skill in the art at the time of the invention to include whether the borrower is consolidating spousal loans among other such criteria since it is an essential indicator of a borrower as a loan risk, which makes it more convenient to lenders.

As to Claim 5, *Salter* discloses that the list of one or more matching loan providers is determined by the borrower's outstanding balance for loans to be consolidated (see at least Abstract, ¶[0049], and ¶[0057]).

While *Lazerson* does not specifically disclose that the list of one or more matching loan providers is determined by the borrower's outstanding balance for loans to be consolidated, *Salter* does teach that such criteria would include the borrower's outstanding balance for loans to be consolidated. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the borrower's outstanding balance for loans to be consolidated among other such criteria since it is an essential indicator of a borrower as a loan risk, which makes it more convenient to lenders.

As to Claim 6, *Salter* discloses that the list of one or more matching loan providers is determined by whether the borrower has any loans in default (see at least ¶[0049], ¶[0050], and ¶[0066]).

While *Lazerson* does not specifically disclose that the list of one or more matching loan providers is determined by whether the borrower has any loans in default, *Salter* does teach that such criteria would include whether the borrower has any loans in default. It would have been obvious to one of ordinary skill in the art at the time of the invention to include whether the borrower has any loans in default among other such criteria since it is an essential indicator of a borrower as a loan risk, which makes it more convenient to lenders.

As to Claim 7, *Salter* discloses that the list of one or more matching loan providers is determined by whether the borrower is consolidating spousal loans (see at least ¶[0046], ¶[0051], and ¶[0056]).

While *Lazerson* does not specifically disclose that the list of one or more matching loan providers is determined by whether the borrower is consolidating spousal loans, *Salter* does teach that such criteria would include whether the borrower is consolidating spousal loans. It

would have been obvious to one of ordinary skill in the art at the time of the invention to include whether the borrower is consolidating spousal loans among other such criteria since it is an essential indicator of a borrower as a loan risk, which makes it more convenient to lenders.

As to Claim 8, *Salter* discloses that the list of one or more matching loan providers is determined by the borrower's outstanding balance for loans to be consolidated (see at least Abstract, ¶[0049], and ¶[0057]).

While *Lazerson* does not specifically disclose that the list of one or more matching loan providers is determined by the borrower's outstanding balance for loans to be consolidated, *Salter* does teach that such criteria would include the borrower's outstanding balance for loans to be consolidated. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the borrower's outstanding balance for loans to be consolidated among other such criteria since it is an essential indicator of a borrower as a loan risk, which makes it more convenient to lenders.

As to Claim 14, *Salter* discloses the predetermined criteria includes a parameter selected from the group consisting of whether a loan provider accepts defaulted loans, whether a loan provider accepts spousal consolidations parameter and the loan provider's minimum balance for consolidation parameter (see at least Abstract, ¶[0046], ¶[0049], ¶[0050], ¶[0051], ¶[0056], ¶[0057], and ¶[0066]).

While *Lazerson* does not specifically disclose that the predetermined criteria includes a parameter selected from the group consisting of whether a loan provider accepts defaulted loans, whether a loan provider accepts spousal consolidations parameter and the loan provider's minimum balance for consolidation parameter, *Salter* does teach that such criteria would include

whether a loan provider accepts defaulted loans, whether a loan provider accepts spousal consolidations parameter and the loan provider's minimum balance for consolidation parameter. It would have been obvious to one of ordinary skill in the art at the time of the invention to include whether a loan provider accepts defaulted loans, whether a loan provider accepts spousal consolidations parameter and the loan provider's minimum balance for consolidation parameter, among other such criteria, since these are essential indicators of a borrower as a loan risk, which makes it more convenient to lenders.

As to Claim 15, *Lazerson* discloses the qualification engine (see at least ¶[0006], ¶[0007], ¶[0013],¶[0014], ¶[0015], ¶[0016], ¶[0019], ¶[0020], ¶[0028], ¶[0043], ¶[0045], and ¶[0047]). *Salter* discloses that wherein the predetermined criteria includes whether a loan provider accepts defaulted loans, whether a loan provider accepts spousal consolidations and the loan provider's minimum balance requirement for consolidation (see at least Abstract, ¶[0046], ¶[0049], ¶[0050], ¶[0051], ¶[0056], ¶[0057], and ¶[0066]).

While *Lazerson* does not specifically disclose that the predetermined criteria includes whether a loan provider accepts defaulted loans, whether a loan provider accepts spousal consolidations and the loan provider's minimum balance requirement for consolidation, *Salter* does teach that such criteria would include whether a loan provider accepts defaulted loans, whether a loan provider accepts spousal consolidations and the loan provider's minimum balance requirement for consolidation. It would have been obvious to one of ordinary skill in the art at the time of the invention to include whether a loan provider accepts defaulted loans, whether a loan provider accepts spousal consolidations and the loan provider's minimum balance

requirement for consolidation, among other such criteria, since these are essential indicators of a

borrower as a loan risk, which makes it more convenient to lenders.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lazerson

(Publication No.: US 2003/0036995) and Cossette (Patent No.: US6,920,434).

As to Claim 13, *Cossette* discloses a commissions calculator for determining

commissions due from a matching loan provider (see at least Abstract; and Col. 8, line 50

through Col. 9, line 25).

It would have been obvious to one of ordinary skill in the art at the time of the invention

to include a commissions calculator for determining commissions due from a matching loan

provider since it makes the invention more convenient to a wider market of users.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure because some of the Applicant's claims have been disclosed in these publications:

1.   Patent No. US 6,611,816 filed by Lebda et al., on February 22, 2002 and titled:

"Method and Computer Network for Coordinating a Loan over the Internet".

2.   Patent No. US 5,774,883 filed by Andersen et al., on May 25, 1995 and titled:

"Method for Selecting a Seller's Most Profitable Financing Program".

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to IRENE KANG whose telephone number is (571)270-3611. The

examiner can normally be reached on Monday through Friday 7:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Charles Kyle can be reached on (571) 272-6746. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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applications is available through Private PAIR only. For more information about the PAIR

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information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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